



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
203 East Third Avenue
Williamson, WV 25661

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

October 19, 2017



RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2329

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Stephen M. Baisden
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Janee Scott, Economic Service Supervisor

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW**

██████████,

Appellant,

v.

ACTION NO.: 17-BOR-2329

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' (WV DHHR) Common Chapters Manual. This fair hearing was convened on October 11, 2017, on an appeal filed August 21, 2017. This hearing originally was scheduled for September 21, 2017, but was rescheduled at the Appellant's request.

The matter before the Hearing Officer arises from the June 29, 2017 decision by the Respondent to apply a work requirement penalty, thereby closing the Appellant's receipt of Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Tina Marcum, Economic Service Worker. The Appellant appeared *pro se*. The participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Letter from Department to Appellant dated January 26, 2017
- D-3 Case comments from Appellant's SNAP case record, dated June 28, 2017 to August 7, 2017
- D-4 Screen print from Appellant's SNAP case record - SNAP Workforce WV Registration
- D-5 Screen print from Appellant's SNAP case record - SNAP Work Requirement Penalty Summary
- D-6 Screen print from Appellant's SNAP case record - SNAP Workforce WV Registration

- D-7 Letter from Department to Appellant dated June 29, 2017
- D-8 Another letter from Department to Appellant dated June 29, 2017
- D-9 WV Income Maintenance Manual (WV IMM), Chapter 2, §§2.2.A, 2.2.B, 2.2.D
- D-10 WV IMM Chapter 9, §9.1.A.1
- D-11 WV IMM Chapter 13, §13.3
- D-12 WV IMM Chapter 13, §13.4
- D-13 WV IMM Chapter 13, §13.5
- D-14 WV IMM Chapter 13, §13.6

Appellant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) On January 26, 2017, the Department sent the Appellant a letter (Exhibit D-2) informing her that SNAP policy required her to register with WorkForce WV within 30 days of the date her SNAP review/redetermination was approved. The letter read that the Appellant was required to register with WorkForce WV by February 24, 2017.
- 2) As of June 29, 2017, the Appellant had not registered with Workforce WV.
- 3) The WV DHHR's benefit issuance computer network, known as RAPIDS, is designed to issue a notice to a recipient's SNAP case worker if that recipient has not registered with Workforce WV by his or her listed deadline. Due to some unknown technical error or malfunction, the network did not issue such a notice in this case. The fact that the Appellant had not registered with Workforce WV did not come to the attention of the Appellant's SNAP case worker until June 29, 2017.
- 4) On June 29, 2017, the Department sent the Appellant another letter (Exhibit D-7), informing her that a SNAP work requirement penalty had been applied to her benefits for failure to register with WorkForce WV. The letter informed her that she would remain ineligible for SNAP for three months or until she complied with the registration requirement, whichever was longer.
- 5) The Department imposed a three-month work requirement penalty against the Appellant's receipt of SNAP benefits beginning August 1, 2017 (Exhibit D-5).
- 6) On August 7, 2017, the Appellant's husband called the WV DHHR, Customer Service Center, to inform the Department the Appellant had registered with Workforce WV that day (Exhibit D-3). Because she registered with Workforce WV after the date the sanction was scheduled to begin, August 1, 2017, the sanction was imposed.

- 7) The Appellant requested a fair hearing based on the imposition of a sanction for failing to register with WorkForce WV.

APPLICABLE POLICY

WV Income Maintenance Manual (WV IMM) Chapter 13, §13.5.A.1 reads as follows, in part:

All mandatory individuals must register for employment with WorkForce West Virginia within 30 days of the date of the original [SNAP] approval, unless exempt . . . A recipient who fails to register by the due date established . . . is subject to a SNAP penalty and the Worker must send an adverse action notice.

The penalty is not imposed and any lost benefits are restored if, before the end of the month in which the adverse notice expires, the following occurs:

- a. The client registers; and
- b. The client notifies DHHR that he has registered.

WV IMM Chapter 13, §13.6.A.2 reads as follows, in part:

[A] recipient who refuses or fails to register with WorkForce WV, refuses employment or refuses to provide information about employment status and job availability is subject to the following penalties for at least the minimum penalty period or until [he or she] reports a change which makes [him or her] exempt from the work requirements. First violation: the individual is removed from the [SNAP assistance group] for at least 3 months or until [he or she] meets an exemption, whichever is later. Second violation: the individual is removed from the [SNAP assistance group] for at least 6 months or until [he or she] meets an exemption, whichever is later.

DISCUSSION

Policy requires that SNAP applicants register with WorkForce WV within 30 days of benefit approval unless they meet an exemption. By letter dated January 26, 2017 (Exhibit D-2), the Department notified the Appellant that she needed to register by February 24, 2017, in order to comply with SNAP policy.

The January 26 letter to the Appellant informing her she needed to register (Exhibit D-2) reads as follows regarding registering after the February 24, 2017 deadline: “If you do not register by this date, but prior to the end of the month in which the registration is due, you must notify the local office.”

As of February 24, the Appellant had not registered, but the Department did not take further action regarding her failure to register with Workforce WV until the following June. The Department's representative testified that the Department's computerized case management network, known as RAPIDS, is designed to send an automated e-mail message to a case worker if a SNAP recipient fails to register within the prescribed time frame. She testified that for some unknown reason, RAPIDS did not send such a message in this case.

The Department's representative testified that the Appellant's case worker determined the Appellant had not registered with Workforce WV, and sent her a letter dated June 29, 2017 (Exhibit D-7), informing her that a sanction or penalty would be applied to her household's receipt of SNAP benefits. The Department sent the Appellant a second letter on June 29, 2017 (Exhibit D-8), informing her that the sanction would take effect on August 1, 2017. The Department's representative stated that if the Appellant had registered with WorkForce WV and called to inform the Economic Service unit of the WV DHHR, [REDACTED] County Office, of her registration any time before August 1, 2017, the Department would have lifted the sanction.

The Department's representative testified that the Appellant did register with WorkForce WV, but not until after August 1, 2017. She submitted a screen print from the Appellant's SNAP case record (Exhibit D-6) which displays SNAP recipients' WorkForce WV registration status. According to this screen print, the Appellant registered with WorkForce WV on August 7, 2017.

The Appellant testified that she registered with Workforce WV by internet before the sanction took effect, but her registration was not recorded. She testified that she used a computer that was 14 years old to register, and she thought she had completed the screens correctly. She stated that she exited the Workforce WV web site and fully expected that her registration was complete.

The Appellant testified that she called her local Workforce WV office and found that there was a blue 'save' button on the lower left side of the computer screen, which on her older computer did not display unless she scrolled the screen view down to that point. She stated that because she did not hit the 'save' button, the information she entered when she attempted to update her registration was not saved to her Workforce WV account, and the web site appeared as though she did not update her registration. She added that when she was informed of this error on August 7, 2017, she was able to update her Workforce WV registration without difficulty.

It was the responsibility of the Appellant to remain in compliance with SNAP program requirements. Although she experienced technical difficulties in updating her registration with WorkForce WV by computer, she could have updated her registration by telephone call to Workforce WV offices or by visiting the [REDACTED] County DHHR on a Wednesday. The Department's representative testified that Workforce WV workers are available to assist the public at the WV DHHR, [REDACTED] County office every Wednesday. Because the Appellant did not update her registration with Workforce WV by any of three means, by telephone, internet or personal contact, the Department acted correctly to impose a sanction or penalty against her receipt of SNAP benefits.

CONCLUSION OF LAW

The Appellant registered with WorkForce WV on August 7, 2017, after a penalty took effect on August 1, 2017, for failing to register. Pursuant to WV IMM §§13.5.A.1(a) and 13.6.A.2, the Department acted correctly to impose a penalty against her receipt of SNAP benefits.

DECISION

It is the decision of the state Hearing Officer to **uphold** the Department's decision to apply a SNAP work requirement penalty to the Appellant, thereby reducing her household's monthly receipt of SNAP benefits, for failure to register with WorkForce WV.

ENTERED this 19th Day of October, 2017.

Stephen M. Baisden
State Hearing Officer